

REMARKS

Claims 1-24 are all the claims pending in the application.

Claim Rejections - 35 U.S.C. § 112

Claim 22 has been amended as the Examiner suggested. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection.

Claim Rejections - 35 U.S.C. § 102

The Examiner has rejected claims 1-6, 9-10 and 20, 22 and 23 under 35 U.S.C. § 102(b) as being anticipated by D'Arcey et al. (US 2,988,001). Claim 1 requires “the auxiliary member transferring the pressing member from the second portion to the first portion (of the tube) via the auxiliary surface when the pressing member passes the vicinity of the opening of the case.” The Examiner contends that the keeper plate 170 of D'Arcey may correspond to to the “auxiliary member” of claim 1.

However, as illustrated in Fig. 3 of D'Arcey, the member 170 does not contact with the roll 80. The member 170 is far away from the roll 80 in an axial direction of a rotation shaft 110. (See attached annotated Figures from D'Arcey.) As shown in Fig. 5 of D'Arcey, the member 170 is merely “a keeper plate” to cover a recess.

As recited in column 4, lines 49-57 of D'Arcey,

A portion of the annular flange 64 is cut away, as indicated at 166, 168 in FIG. 5 of the drawings to provide a recess for a keeper plate 170, preferably formed of a plastic of other transparent material, which is held in place by screws 172, 172, 172. When

this keeper plate (170) is removed, a single loop of a compressible tube 180 may be placed in the recess in engagement with the outer wall 164.

(emphasis added.)

Therefore, the 170 is not “the auxiliary member transferring the pressing member from the second portion to the first portion (of the tube) via the auxiliary surface when the pressing member passes the vicinity of the opening of the case.” (See last paragraph of claim 1 of the present application.) Thus, D'Arcey neither discloses nor suggests the auxiliary member of the present invention.

D'Arcey therefore does not anticipate independent claim 1 within the meaning of 35 U.S.C. § 102. Applicant thus respectfully requests that the Examiner withdraw this rejection of independent claim 1 and its dependent claims 2 through 23.

Applicant now respectfully points out for the Examiner's consideration the following points, mentioned in the originally-filed specification, that bear on the nature of the foregoing distinction over D'Arcey. Namely, Applicant points out some information not in the express language of the claims, but which helps the Examiner to understand the significance of the above-mentioned technical distinction.

The operation and advantage of the auxiliary member in claim 1 is illustrated in page 20, line 34 to page 21, line 17 and Figs. 12-14 in the present application. That is,

When passing the vicinity of the opening 32, the roller 44 moves first from the outer circumferential surface of the downstream

portion 24b (more specifically, the second portion) to the base surface 101c of the auxiliary member 101. Then, as elastically deforming the auxiliary member 101, the roller 44 moves from the base surface 101c of the auxiliary member 101 to the outer circumferential surface of the upstream portion 24a (more specifically, the first portion). Therefore, the roller 44 is capable of avoiding an impact otherwise caused by moving from the outer circumferential surface of the downstream portion 24b to the outer circumferential surface of the opposed, upstream portion 24a, which have different surface conditions. Further, while elastically deforming the auxiliary member 101, the roller 44 presses and squeezes the upstream portion 24a and the downstream portion 24b that are passed through the opening 32, against the inner wall 31a at opposite sides of the opening 32. The roller 44 thus prevents the negative pressure in the tube 24 from being released.

(emphasis added.)

The foregoing is not meant to limit the scope of any of the claims, but is thought by Applicant's undersigned representative to be helpful to better understand a point of information regarding the described subject matter.

Therefore, withdrawal of the rejection under § 102(b) to claims 1 and 24 are respectfully requested. Since claims 2-6, 9-10 and 20, 22 and 23 depend directly or indirectly from claim 1, withdrawal of the rejection under § 102(b) to these claims are also respectfully requested.

Claim Rejections - 35 U.S.C. § 103

As illustrated above, D'Arcey neither discloses nor suggests the auxiliary member as defined in the claims. Thus, withdrawal of the rejection under § 103(a) to claims 7 and 8 are also respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

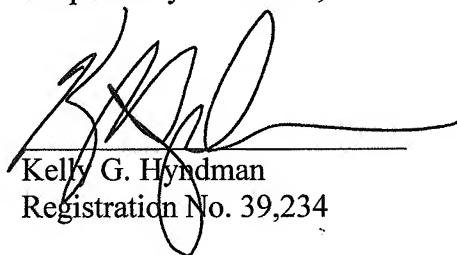
AMENDMENT UNDER 37 C.F.R. § 1.111

U.S. Application No. 10/817,429

Q80887

Applicant herewith petitions the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Unless a check is attached, any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Kelly G. Hyndman
Registration No. 39,234

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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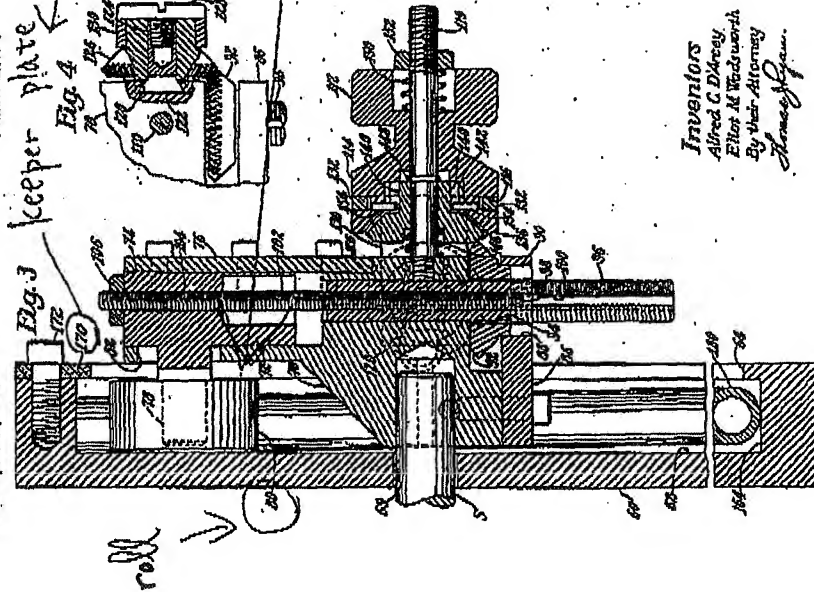
A. C. DARCEY ET AL

2,988,001

APPARATUS FOR USE IN THE EXTRACORPoreal CIRCULATION OF BLOOD

Filed April 30, 1958

4 Basic Sheet 3



Inventors
Alfred C. Darcey
Elliot M. Wadsworth
By their Attorney
Honey & Ryan

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June 13, 1961

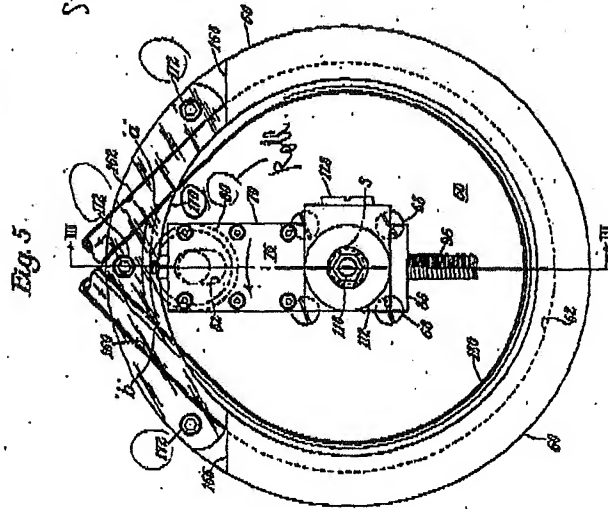
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